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ORDER

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April 1, 2019

Via Electronic Filing
Magistrate Douglas E. Arpert
U.S. District Court
District of New Jersey
402 East State Street Room 2020
Trenton, NJ 08608

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APR 02 2019

DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

Re: Ngen Smoke LLC, et al v. David Lam
Civil Docket No.: 3:17-cv-01340-PGS-DEA

Dear Magistrate Arpert:

This law firm represents Plaintiffs/Counter-defendants Ngen Smoke LLC, Ryan Eng and Eric Wong ("Ngen Smoke") in this matter. As you know, this matter had been settled pursuant to the attached term sheet entered into on November 28, 2018 following mediation with Douglas Wolfson, J.S.C. (ret.). Since the case was dismissed in February 2019, the parties have been in discussions to reduce stipulations contained in the term sheet into a more formal settlement agreement. On March 27, 2018, during a telephone conversation with the parties on the line, defense counsel for the first time stated that Mr. Lam's position is that the term sheet provides for personal liability against Plaintiffs Eng and Wong if Ngen Smoke defaults on its obligations under the term sheet.

The imposition or possibility of individual liability was never discussed or negotiated on November 28, 2018. In fact, everyone present during the negotiations that day was crystal clear that Plaintiff's security on payments is a pledge on Ngen Smoke stock, not to sue Ryan Eng and Eric Wong in their individual capacities. The parties need the Court's assistance to resolve this dispute, as defense counsel's newly raised position is not what the parties agreed, and shall derail the settlement unless resolved. For this reason, we respectfully request a conference call with the Court to discuss this matter.

** Counsel are directed to jointly
contact the Mediator to address
this issue. So Ordered
J. Cohen*

Respectfully submitted,

/s/Jonathan F. Cohen